

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TROY E BELCHER,

Plaintiff,

v.

KEITH DEVOS, CATHI HARRIS,

Defendants.

CASE NO. 3:16-CV-05130-RJB-DWC

REPORT AND RECOMMENDATION

Noting Date: July 15, 2016

The District Court has referred this 42 U.S.C. § 1983 action to United States Magistrate Judge David W. Christel. Plaintiff Troy E. Belcher, proceeding *pro se* and *in forma pauperis*, filed this civil rights Complaint on February 19, 2016. *See* Dkt. 1. After reviewing Plaintiff's Complaint, the Court declined to serve the Complaint, but gave Plaintiff an opportunity to amend his pleading. *See* Dkt. 8. On April 20, 2016, Plaintiff filed the Amended Complaint. Dkt. 9. The Court reviewed the Amended Complaint and declined to serve it, but gave Plaintiff an opportunity to correct the deficiencies in the Amended Complaint by ordering Plaintiff to file a second amended complaint on or before June 20, 2016 ("Order"). Dkt. 10. Plaintiff was warned a failure to file a second amended complaint or adequately address the issues raised in the Order

1 would result in the Court recommending dismissal of this action as frivolous pursuant to 28  
2 U.S.C. § 1915. *Id.*

3 Petitioner has failed to comply with the Court's Order. He has not filed a second  
4 amended complaint to correct the deficiencies contained within the Amended Complaint. As  
5 Petitioner has failed to respond to the Court's Order and prosecute this case, the Court  
6 recommends this case be dismissed without prejudice.

7 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil  
8 Procedure, the parties shall have fourteen (14) days from service of this Report to file written  
9 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those  
10 objections for purposes of appeal. *Thomas v Arn*, 474 U.S. 140 (1985). Accommodating the time  
11 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on July 15,  
12 2016, as noted in the caption.

13 Dated this 27th day of June, 2016.

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16 David W. Christel  
17 United States Magistrate Judge  
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